

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:10-HC-2155-FL

UNITED STATES OF AMERICA,)
)
 Petitioner,)
)
 v.)
)
JOHN MARVIN BALLARD,)
)
 Respondent.)

ORDER

This case comes before the court on respondent's motion (D.E. 50) to make the appointment of Joseph J. Plaud, Ph.D., effective as of 9 March 2011. The court construes respondent's assertion that Dr. Plaud "should be paid by the Government" to be a motion to order the Department of Justice ("DOJ") to pay Dr. Plaud's fees. Dr. Plaud was appointed by the court as a mental health examiner in this case on 29 March 2011 (D.E. 22). Respondent's motion (D.E. 50) is GRANTED. The appointment of Dr. Plaud is now made effective 9 March 2011, *nunc pro tunc*.¹

In accordance with the Order of May 19, 2011 (pp. 13-15) in *United States v. Gloshey*, No. 5:08-HC-2051-BR (D.E. 58), DOJ is ORDERED to pay the costs of Dr. Plaud in accordance with the Guidelines for Administering CJA and Related Statutes applicable to cases under 18 U.S.C. §4246, 7A *Guide to Judiciary Policy* §320.20.60(g), pending ultimate resolution of the allocation of responsibility for payment of such costs. DOJ shall be responsible for costs of the examination, report, and deposition and hearing testimony. The effective date of this Order is 9 March 2011, *nunc pro tunc*. Respondent shall provide DOJ, through the United States Attorney's Office, E.D.N.C.,

¹ Although the proposed order respondent submitted with the motion seeks payment as of 29 March 2011, the motion itself seeks payment effective 9 March 2011. (See Proposed Order (D.E. 50-1); Mot. 1). The court is relying on the earlier date. Use of it would presumably cover any work Dr. Plaud performed prior to his formal appointment and, to the extent he performed no such work, would not prejudice the government.

all the information and documents reasonably needed by DOJ to obligate the funds for the payments under this Order.

SO ORDERED, this 13th day of December 2011.



James E. Gates
United States Magistrate Judge